

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ALLSTATE INSURANCE COMPANY, *et al.*,

Plaintiffs,

-against-

MARK MIRVIS, *et al.*,

Defendants.

08-CV-4405 (SLT) (PK)

**DECLARATION OF KRISTY R.
EAGAN IN SUPPORT OF
PLAINTIFFS' REPLY TO
SUPPLEMENTAL OPPOSITION**

Kristy R. Eagan, Esq., declares pursuant to 28 U.S.C. § 1746 as follows:

1. I am an associate with the law firm of Morrison Mahoney LLP, attorneys for Plaintiffs-Judgment Creditors Allstate Insurance Company, Allstate Indemnity Company, Deerbrook Insurance Company, Allstate New Jersey Insurance Company, and Allstate Property & Casualty Insurance Company ("Plaintiffs")¹ in the above-captioned action, and I am fully familiar with all of the facts and circumstances in this matter.

2. I respectfully submit this declaration in support of Plaintiffs' reply (the "Reply") in response to the supplemental opposition affidavits (ECF No. 459) (the "2nd Opposition") filed by the Mirvis Non-Parties pursuant to the Court's Minute Order dated December 2, 2016 (ECF No. 454), and in further support of Plaintiffs' Motion (ECF No. 335) to avoid fraudulent conveyances made by the Judgment Debtor (Mark Mirvis) and his wife L. Mirvis to their daughter, Transferee T. Mirvis. I further submit this affidavit to describe four accompanying exhibits that are relevant to a determination on the Motion.

3. On December 19, 2016, I sent Meyer Silber ("Silber"), counsel of record for the Mirvis Non-Parties, an email informing him that the MM Affidavit (ECF No. 459-2) appears to be

¹ Terms used but not otherwise defined herein shall have the meanings ascribed to them in Plaintiffs' accompanying memorandum of law.

missing one or more pages and requesting that he confirm whether the MM Affidavit was complete. That same day, Silber responded, indicating that he “w[ould] check the affidavit.” However, as of the date hereof, Plaintiffs have not heard further from Silber or the Mirvis Non-Parties concerning the MM Affidavit, nor has any correction or explanation been filed in this action.

RELEVANT EXHIBITS

4. Accompanying Plaintiffs’ Reply and attached to this declaration is one supporting exhibit. This document is described below for the Court’s information.

5. Exhibit “A” is a November 28, 2005 joint press release, by the New York Attorney General and the State Insurance Superintendent, published on the website of the New York State Office of the Attorney General, <http://www.ag.ny.gov/press-release/eight-charged-auto-insurance-enterprise-corruption-indictment>, and announcing Enterprise Corruption charges against, *inter alia*, Albert Rudgayzer and his law firm, Rudgayzer & Gratt, LLP, in connection with an alleged No-fault insurance fraud scheme.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 20, 2017

/s/ Kristy Eagan
Kristy R. Eagan, Esq.